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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,157	05/06/2004	Oliver Birch	CHA920030037US1	7410
7590 McGinn & Gibb, PLLC Suite 304 2568-A Riva Road Annapolis, MD 21401	04/29/2008		EXAMINER GAY, SONIA L	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 04/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/840,157	BIRCH, OLIVER	
	Examiner	Art Unit	
	SONIA GAY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/06/2004</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This office action is written in response to application no. 10/840157 submitted on May, 6, 2004 in which claims 1 – 28 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 5, 7, 15, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (US 2008/0076395 continuation of application no. 10/431,641 now Pat. No. 7,330,721) in view of Weaver et al. (US 7,149,504).

For claims 1 and 15, Bhatia et al. discloses a system and method for providing call control in a telephone network, said system comprising:

a service node(*MSC : Fig. 2 110*) adapted to receive a telephone call ; ([0031])
a parlay gateway (**Fig. 2 130**) connected to said service node (**Fig. 2 110,130** and [0031]), wherein said service node is adapted to forward an application request to said parlay gateway; ([0031])

a telephony application (caller ID servers combined with presence and availability management in Caller IQ Server : Fig. 2 2; [0008]) connected to said parlay gateway, said telephony application being adapted to supply a routing requirement to said parlay gateway, (IVR connection request, connection request between caller and called devices : [0031])

wherein said service node is adapted to execute said routing application (*request* : [0031]) to route said telephone call. ([0031])

Yet, Bhatia et al. fails to teach wherein said parlay gateway is adapted to dynamically transform said routing requirement into a routing application.

However, Weaver et al. discloses a parlay gateway that is adapted to dynamically transform information (*location information* : **column 9 line 30**) into an application (*protocol understood by application within the mobile station* : **column 9 lines 30-33**) for the purpose of forwarding the information to the application within the mobile station. (**column 9 lines 30-33**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Bhatia et al. with the invention disclosed in Weaver et al. to allow the telephony application disclosed above in Bhatia et al. to transform the information or routing requirement into a routing application for the purpose of forwarding the routing information to the service node as disclosed above in Bhatia et al.

For claims 5 and 19, Bhatia et al. in view of Weaver et al. discloses the system and method above and further discloses a service switching point connected to said service node adapted to route said telephone call. (Bhatia et al. : *MSC* : **Fig. 2** 110 and [0031])

For claim 7 and 21, Bhatia et al. in view of Weaver et al. discloses the system and method above and further discloses wherein said service node is adapted to report call status to said parlay gateway (Bhatia et al. : *call going off hook –call event* , [0031])

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2. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (US 2008/0076395 continuation of application no. 10/431,641 now Pat. No. 7,330,721) in view of Weaver et al. (US 7,149,504), and further in view of Shmulevich et al. (US 2001/0036173).

For claims 6 and 20, Bhatia et al. in view of Weaver et al. discloses the claimed invention above, and further discloses wherein communications between said service switching point server and parlay gateway combination bypass signaling transfer points (Bhatia et al., [0031]), yet fails to teach a signaling transfer point connected to said switching point..

However, Shmulevich et al. discloses signaling transfer points connected to a service switching point (**Fig. 1, 2** 28, 38 and [0004][0005][0049]) for the purpose receiving and exchanging signaling messages between the switching points.([0004]).

Therefore, it would have been obvious to of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed above in Bhatia et al. in view of Weaver et al. with the invention disclosed in Shmulevich to have connected signaling transfer points to the switching point as disclosed above in Bhatia et al. for the purpose of receiving and a exchanging signaling messages between switching points.

3. Claims 2 -4 and 16 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al.(US 2008/0076395 continuation of application no. 10/431,641 now Pat. No. 7,330,721) in view of Weaver et al. (US 7,149,504) and further in view of Gourraud (US 2002/0026473).

For claims 2 and 16, Bhatia et al. in view of Weaver et al. discloses the claimed invention above, yet fails to teach to teach wherein said parlay gateway provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network.

However, Gourraud discloses a parlay gateway that provides unique functionality that is independent of the call processing functionality (*common open interface : [0006]*) of the remaining elements of the telephone network ([0006][0007]) for the purpose of providing access to telecommunications networks without requiring intimate knowledge of the internal operations of the telecommunications networks on the part of third-party service providers ([0008][0009]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Bhatia et al. in view of Weaver et al. with the invention disclosed in Gourraud to allow the parlay gateway disclosed above in Bhatia et al. and Weaver et al. to provide unique functionality that is independent of call processing functionality for the purpose of providing services in the telecommunications network that are independent of the call processing functionality in the telecommunications network.

For claims 3 and 17, Bhatia et al. in view of Weaver et al. and further in view of Gourraud discloses the claimed invention above and further discloses wherein said parlay gateway functions in heterogeneous environments and works with different types of service nodes. (Gourraud, [0006])

For claims 4 and 18, Bhatia et al. in view of Weaver et al. and further in view of Gourraud discloses the claimed invention above and further discloses wherein said parlay gateway comprises a HTTP server. (*Gourraud, parlay/osa as an application programming interface {api}, api transported by semantic-free protocol such as HTTP/XML-based SOAP : [0033]*)

4. Claims 8- 12, 14, 22 -26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al.(US 2008/0076395 continuation of application no. 10/431,641 now Pat. No. 7,330,721) in view of Weaver et al. (US 7,149,504), and further in view of Gourraud (US 2002/0026473), and further in view of Dunko et al. (US 2002/0072347).

For claims 8 and 22, Bhatia et al discloses a system and method for providing call control in a telephone network, said system comprising:

a service node(*MSC : Fig. 2 110*) adapted to receive a telephone call ; ([0031])
a parlay gateway connected to said service node; ([0028][0029])
a telephony application (*caller ID servers combined with presence and availability management in Caller IQ Server : Fig. 2 2; [0008]*) connected to said parlay gateway, said telephony application being adapted to supply a routing requirement to said parlay gateway; (*IVR connection request, connection request between caller and called devices : [0031]*)

Yet, Bhatia et al. fails to teach the following:

a server and parlay gateway combination,

a service node is adapted to forward a hypertext transfer protocol (HTTP) call control extensible • markup language (CCXML) application request to said server and parlay gateway combination; and,

wherein said server and parlay gateway combination is adapted to dynamically transform said routing requirement into a CCXML routing application, wherein said service node is adapted to execute said CCXML routing application to route said telephone call.

However, Gourraud discloses a server and parlay gateway ([0033]) combination for the purpose of transporting application-programming interfaces by a semantic free protocol.
(parlay/osa as an application programming interface {api}, api transported by semantic-free protocol such as HTTP/XML-based SOAP : [0033])

Moreover, Dunko et al. discloses a service node (MSC: [0023]) that is adapted to forward a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML)
(communication between MSC and help server through a gateway may take a number of forms, but in an exemplary embodiment comprises a HTTP style communication : [0023]) for the purpose communicating with a gateway and a remote server ([0023]).

Additionally, Weaver et al. discloses a parlay gateway that is adapted to dynamically transform information (*location information : column 9 line 30*) into an application (*protocol understood by application within the mobile station : column 9 lines 30-33*) for the purpose of forwarding the information to the application within the mobile station. (**column 9 lines 30-33**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Bhatia et al. with the invention disclosed in Gourraud, Dunko et al., and Weaver et al. as follows:

include a http server with the parlay gateway disclosed above in Bhatia et al. for the purpose of receiving a hypertext protocol call control extensible markup language (CCXML) application request for the service node;

allow the telephony application disclosed above in Bhatia et al. to transform the routing requirement into a CCXML routing application for the purpose forwarding the routing application to the service node; and,

adapt the service node disclosed above in Bhatia et al. to execute said CCXML, a HTTP style communication, routing application for the purpose of routing said telephone call.

For claims 9 and 23, Bhatia et al. in view of Weaver et al., Dunko et al. and Gourraud discloses the claimed invention above and further discloses wherein said server and parlay gateway provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network. (Gourraud, [0006][0007][0008][0009])

For claims 10 and 24, Bhatia et al. in view of Weaver et al., Dunko et al. and Gourraud discloses the claimed invention above and further discloses wherein said parlay gateway functions in heterogeneous environments and works with different types of service nodes. (Gourraud, [0006])

For claims 11 and 25, Bhatia et al. in view of Weaver et al., Dunko et al. and Gourraud discloses the claimed invention above and further discloses wherein said parlay gateway

comprises a HTTP server. (Gourraud, *parlay/osa as an application programming interface {api}, api transported by semantic-free protocol such as HTTP/XML-based SOAP* : [0033])

For claims 12 and 26, Bhatia et al. in view of Weaver et al., Dunko et al. and Gourraud discloses the claimed invention above and further discloses a service switching point connected to said service node adapted to route said telephone call. (Bhatia et al., *MSC* : **Fig. 2** 110 and [0031])

For claim 14 and 28, Bhatia et al. in view of Weaver et al., Dunko et al. and Gourraud discloses the claimed invention above and further discloses wherein said service node is adapted to report call status to said parlay gateway (Bhatia et al. : *call going off hook –call event* , [0031])

5. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al.(US 2008/0076395 continuation of application no. 10/431,641 now Pat. No. 7,330,721) in view of Weaver et al. (US 7,149,504), and further in view of Dunko et al. (US 2002/0072347), and further in view of Gourraud (US 2002/0026473).

For claims 13 and 27, Bhatia et al in view of Weaver et al., Dunko et al., and Gourraud discloses the claimed invention above, and further discloses wherein communications between said service switching point server and parlay gateway combination bypass signaling transfer points (Bhatia et al., [0031]), yet fails to teach a signaling transfer point connected to said switching point..

However, Schmulevich et al. discloses signaling transfer points connected to a service switching point (**Fig. 1, 2** 28, 38 and [0004][0005][0049]) for the purpose receiving and exchanging signaling messages between the switching points.([0004]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed above in Bhatia et al in view of Weaver et al. , Dunko et al., and Gourraud (US 2002/0026473) to have connected signaling transfer points to the switching point as disclosed above in Bhatia et al. for the purpose of receiving and a exchanging signaling messages between switching points.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614

/Harry S. Hong/
Primary Examiner, Art Unit 2614

April 26, 2008